

## **REMARKS**

The Examiner has rejected applicant's claim 1 under 35 USC 103(a) as being unpatentable over the Kobayashi reference (U.S. Published Patent Application Publication No. 2002/0044758) in view of the Chung, et al. reference (U. S. Published Patent Application Publication No.2005/0078947) taken in further view of the Yatomi patent (U.S. Patent No. 5,909,421). The Examiner has also rejected applicant's claims 2, 3 and 8 under 35 USC 103(a) as being unpatentable over the latter references taken in further view of the Lane, et al. patent (U.S. Patent No. 5,377,051). These rejections are respectfully traversed.

Applicant has filed herewith a certified English translation of applicant's priority document (Japanese Patent Application No. 2003-031027, filed February 7, 2003). Applicant previously filed in the application a certified copy of the priority document as acknowledged in the subject Office Action. With these two filings, applicant can now rely on applicant's priority date of February 7, 2003 as the filing date of the subject application.

The Chung, et al. reference was filed on July 29, 2004 and is based on a related provisional application filed August 5, 2003. Accordingly, the earliest filing date on which the Chung, et al. reference can rely is the latter date of August 5, 2003. This date, however, is **after** applicant's filing date of February 7, 2003. As a result, the Chung, et al. reference is no longer a validly citable reference against the subject application.

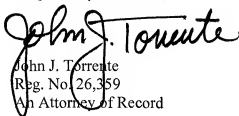
Therefore, the Examiner's rejections in relying on the Chung, et al. reference are no longer based on a validly citable reference. Hence, the rejections are no longer valid and should be withdrawn.

In view of the above, the Examiner's rejections are no longer valid and hence have been overcome. Accordingly, reconsideration of the claims and passage of same and this application to issue is respectfully requested.

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